

LEWIS & LIN LLC

Brett E. Lewis
David D. Lin

Roberto Ledesma
Justin Mercer
Lauren Valli

81 Prospect Street, Suite 8001
Brooklyn, NY 11201

Tel: (718) 243-9323
Fax: (718) 243-9326

www.iLawco.com

Writer's email: David@iLawco.com

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Via ECF

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street, Room 2220
New York, NY 10007

Dr. Muhammad Mirza et al. v. Does et al.,
Civil Action No. 1:18-cv-06232-LAP

Dear Judge Preska:

I write to inform the Court as to the status of the action as well as request additional time to (a) amend the Second Amended Complaint to name the remaining defendants and (b) to serve those named defendants.

As the Court recalls, this case was filed against 11 “John Doe” defendants for false and defamatory statements made against Plaintiffs’ medical practice on Yelp.com. Since writing to the Court on March 6, 2020 (ECF Doc. 39), Plaintiffs have continued, and in many instances succeeded, in identifying the defendants and attempting to resolve their claims with the individuals revealed to be the John Does. As of today, Plaintiffs have identified and resolved the claims as to all but two of the defendants.

For the two remaining defendants, John Doe # 3 a/k/a “Doris B” and John Doe #4 a/k/a “Tina K.,” the information provided by Yelp.com in response to Plaintiffs’ subpoena unfortunately was not sufficient to identify those individuals, and Plaintiffs therefore require additional time to fully identify them and, if needed, amend the complaint and serve them. Specifically, it appears that the Yelp user “Doris B.” has made efforts to change her Yelp user profile to “Ziagos B.,” and Plaintiffs must re-issue a subpoena to Yelp for information regarding the new user. Regarding “Tina K.,” Plaintiffs attempted to contact her via the email address

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provided by Yelp.com, but subsequently received a “bounce back” message that the email was not delivered. Plaintiffs also attempted to discern a mailing address from their own records, but were unable to positively identify “Tina K.” Accordingly, Plaintiffs have sent for service a subpoena on Sprint PCS (the Internet Service Provider associated with the IP addresses revealed from the first subpoena on Yelp.com), as well as on Google.com (the hosting site of the email address provided by Yelp.com).

Your Honor previously granted Plaintiffs’ request for an extension of time until April 9, 2020 to amend the Second Amended Complaint and serve the named defendants. (ECF Doc. 40) Plaintiffs have diligently worked to resolve their claims with many defendants without having to name them. Plaintiffs need additional time to receive responses to their most recent subpoenas to Yelp.com, Google.com and Sprint PCS. It is Plaintiffs’ belief that with these responses they will be able to identify the remaining John Doe defendants and resolve their claims as to them.

Accordingly, pursuant to Federal Rules of Civil Procedure 4(m), we ask the Court for an additional 60 days from today to (a) amend the Second Amended Complaint to name the remaining Doe defendants who have not resolved this matter via Plaintiffs’ informal efforts mentioned above, and (b) to serve those named defendants. We thank the Court for its consideration.

Respectfully submitted,

/s/ David D. Lin
David D. Lin